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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706
ndep.nv.gov

February 4, 2004

Mr. Steve Constant
Birthday Girl Mine
P.O. Box 24
Orovada, NV 89425

Re: End of Public Comment Period, Notice of Decision, Permit and Fact Sheet
Birthday Girl Mine
Water Pollution Control Permit (WPCP) NEV2000113

Dear Mr. Constant:

The 30-day Public Comment Period for the Water Pollution Control Permit (WPCP) NEV2000113 (Birthday Girl Mine) expired on February 2, 2004. No comments were received during the Public Comment Period.

This letter is to advise you, the Permittee, that the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (NDEP-BMRR) is hereby issuing Water Pollution Control Permit for the Birthday Girl Mine. This permit authorizes you, the Permittee to construct, operate, and close the proposed physical separation facility/placer mining operation at the Birthday Girl Mine site.

Enclosed are copies of the Notice of Decision (NOD), WPCP NEV2002113 and Fact Sheet. The permit will become effective on February 19, 2004. Appeals may be filed on Form 3 With the State Environmental Commission until 5:00 PM on February 14, 2004.

Specific items to note in WPC Permit NEV2000113 are:

1. Schedule of Compliance Item I.B.1 requires you, the Permittee to provide the location for the Montero (Leonard Creek) Ranch rain gauge, model

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and identification numbers, prior to the commencement of operation. The rain gauge must be calibrated and monitored daily; and a written record of all daily accumulations of precipitation must be maintained.

2. Schedule of Compliance item I.B.2 requires you, the Permittee, to schedule a time for the Division to conduct a site inspection to ascertain compliance of the constructed facilities with this Permit and the Mining Regulations (Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, prior to initiating operations.
3. Schedule of Compliance item I.B.3 requires you, the Permittee, to provide the Division with an analysis of water from water well #66343, which will be used as process make-up water, prior to the commencement of operations.
4. Schedule of Compliance item I.B.4 requires you, the Permittee, to provide the Division with an analysis of water from the unnamed spring/pond located upgradient from the mine site and used by the Montero (Leonard Creek) Ranch for livestock watering to establish background water quality, prior to the commencement of operations.
5. Schedule of Compliance item I.B.5 requires you, the Permittee, to provide the Division with analyses of process water from Pond "A" and Pond "B" within 30-days of commencement of operations.
6. Schedule of Compliance item I.B.6 requires you, the Permittee, to obtain prior approval from NDEP-BMRR before any expansion of the operations. In addition, the Permittee will be requested to meet with NDEP-BMRR to discuss any changes in operation and may be asked to provide additional monitoring, sampling and design information.

In addition, NAC 445A.427 requires as-built drawings, summary of quality control procedures and final operating plans be submitted to NDEP-BMRR within 30 days following the completion of construction.

NDEP-BMRR is appreciative of your cooperation during the permitting process. If you have any questions regarding this matter or if I can be of any other assistance, please call me at (775) 687-9441.

Sincerely,

Rob Kuczynski, P.E.
Permit Writer
Bureau of Mining Regulation & Reclamation

cc: Mike Leigh, Supervisor Regulation Branch, NDEP-BMRR
Connie Davis, Supervisor Reclamation Branch, NDEP-BMRR
Patrick Goldstrand, Inspector, Regulation Branch, NDEP-BMRR
Bureau of Land Management, Winnemucca District, Winnemucca, NV